

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN McCOLLUM, and SANDRA §
McCOLLUM, individually, and STEPHANIE §
KINGREY, individually and as independent §
administrator of the Estate of LARRY GENE §
McCOLLUM, §

PLAINTIFFS

V.

CIVIL ACTION NO.
4:14-cv-3253

BRAD LIVINGSTON, JEFF PRINGLE, §
RICHARD CLARK, KAREN TATE, §
SANDREA SANDERS, ROBERT EASON, the §
UNIVERSITY OF TEXAS MEDICAL §
BRANCH and the TEXAS DEPARTMENT OF §
CRIMINAL JUSTICE. §

DEFENDANTS §

**OBJECTIONS TO PLAINTIFFS' NOTICE OF INTENTION TO TAKE 30(b)(6) ORAL
DEPOSITIONS AND SUBPOENA DUCES TECUM AND DESIGNATION OF
WITNESSES**

Defendant The University of Texas Medical Branch at Galveston (“UTMB”) hereby serves its objections to Plaintiffs’ Notice of Intention to Take 30(b)(6) Deposition and Subpoena *Duces Tecum* (see Attachment 1 - the “Notice”), served February 23, 2015 and Designations of Witnesses.

GENERAL OBJECTIONS

UTMB objects to each deposition topic and request for documents, as outlined by Exhibits A and B to the Notice, to the extent they seek information protected by the attorney-client privilege, work-product doctrine, or any other applicable privilege or protection from discovery. UTMB's corporate representative will not testify regarding any such protected information. Any inadvertent disclosure of such information shall not constitute a waiver of any privilege.

Regarding Plaintiffs' request for UTMB to produce certain documents, as outlined by Exhibit B to the Notice, UTMB objects to the extent it already produced any non-privileged documents responsive to such requests.

SPECIFIC OBJECTIONS

UTMB incorporates its general objections outlined above by and through each of the following specific objections to the deposition topics outlined by Exhibit A to the Notice (Attachment 1). In addition, UTMB is only designating witnesses to testify regarding the topics that were not previously covered during the deposition of Robert Schaffer (see Attachment 2 – "Original Notice"). Mr. Schaffer was designated and was deposed on topics, 5, 7, 8, 9, 10, 11 and 12 of the original notice. UTMB objects to the extent that Plaintiffs seek to re-notice or re-depose UTMB with regard to those topics covered by Mr. Schaffer at his deposition. UTMB designates Toby Boenig to address Topic 1 in the original deposition notice which is also Topic 1 of the March 10, 2015 deposition notice. UTMB designates Jennifer Osteen to address Topics 2, 3, 4, 6, 13 and 14 of the original deposition notice which are also Topics 2, 3, 4, 5, 9 and 10 of the March 10, 2015 deposition notice.

TOPIC NO: 4

All steps taken by UTMB to preserve electronically stored information concerning the heat conditions in Texas prisons.

OBJECTION: UTMB objects because it previously designated and produced Robert Schaffer to testify regarding this topic. Plaintiffs already received an opportunity to question UTMB's corporate representative regarding this topic during the deposition of Robert Schaffer on May 30, 2014. Accordingly, no corporate representative will be designated to testify regarding this topic.

TOPIC NO. 5

What efforts were made to determine who the “key players” are in this case and what was done to preserve electronically stored information in their possession, custody, or control.

OBJECTION: UTMB objects that the term “key players” is ambiguous and vague. UTMB incorporates its general objections as outlined above and asserts that its corporate representative will not testify regarding privileged matters that are protected by the attorney-client privilege and/or the work-product privilege related to this topic. More specifically, who UTMB considers to be “key players” in this case is protected, privileged information. UTMB will provide a witness to testify regarding efforts made to determine what custodians may have information and documents potentially responsive to Plaintiffs’ discovery requests.

TOPIC NO. 6

The efforts that have been taken and can be taken to obtain any potentially relevant electronically stored information that was either manually deleted or that was purged through automatic document retention policies.

OBJECTION: UTMB objects because it previously designated and produced Robert Shaffer to testify regarding this topic. Plaintiffs already received an opportunity to question UTMB’s corporate representative regarding this topic during the deposition of Robert Shaffer on May 30, 2014. Accordingly, no corporate representative will be designated to testify regarding this topic.

TOPIC NO. 7

Whether any electronically stored information related to this case has been deleted.

OBJECTION: UTMB objects because it previously designated and produced Robert Shaffer to testify regarding this topic. Plaintiffs already received an opportunity to question

UTMB's corporate representative regarding this topic during the deposition of Robert Shaffer on May 30, 2014. Accordingly, no corporate representative will be designated to testify regarding this topic.

TOPIC NO. 8

The identity of any electronically stored information that has been deleted or that is irretrievable.

OBJECTION: UTMB objects because it previously designated and produced Robert Shaffer to testify regarding this topic. Plaintiffs already received an opportunity to question UTMB's corporate representative regarding this topic during the deposition of Robert Shaffer on May 30, 2014. Accordingly, no corporate representative will be designated to testify regarding this topic.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT
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NOTICE OF ELECTRONIC FILING

I, J. LEE HANEY, Assistant Attorney General of Texas, certify that I have electronically submitted a copy of the foregoing for filing in accordance with the Electronic Case Files system of the Southern District of Texas on March 3, 2015.

/s/ J. Lee Haney
J. LEE HANEY
Assistant Attorney General

CERTIFICATE OF SERVICE

I, J. LEE HANEY, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing has been served by electronic mail on March 3, 2015, as authorized by Fed. R. Civ. P. 5(b)(2) and in accordance with the electronic case filing procedures of the United States District Court for the Southern District of Texas. All counsel of record will receive copies via electronic filing notification.

/s/ J. Lee Haney
J. LEE HANEY
Assistant Attorney General